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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,839	10/24/2003	William B. Greenwald	3467-72965	9232
23643	7590	10/14/2005		
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,839

Applicant(s)

GREENWALD ET AL

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11/04 & 2/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17, 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "entry/exit" is indefinite for failing to clearly define the metes and bounds of the claimed invention; it should be "entry and exit" or "entry or exit".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-5, 7, 11-12, 14, 18-19, and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,938,967 to Dubon et al.

Dubon et al discloses a telescoping slide assembly, such as shown in Fig 1, comprising all the elements recited in the above listed claims including interconnected

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load-carrying, intermediate, and stationary slides movable relative to one another to extend and retract the load-carrying and intermediate slides relative to the stationary slide, the load-carrying slide being formed to include a keyhole-shaped slot, such as shown in Figs 18-19, providing an enlarged-diameter entry and exit portion and a narrow-width post-retainer portion, the keyhole-shaped slot being adapted to receive a mounting post 14 coupled to a piece of equipment to be carried on the load-carrying slide, and a post retainer 66 including a base coupled to the load-carrying slide and an arm formed to include a retention aperture and being coupled to the base to move relative to the load-carrying slide between a slot-opening position lying away from the load-carrying slide to allow movement of the mounting post into the enlarged-diameter entry and exit portion of the keyhole-shaped slot and a slot-closing position receiving the mounting post in the retention aperture upon movement of the mounting post from the enlarged-diameter entry and exit portion into the narrow-width post-retainer portion of the keyhole-shaped slot, wherein the arm includes an actuator and a body arranged to interconnect the actuator and the base, the body is formed to include the retention aperture, and the actuator includes means, facing toward the enlarged-diameter entry and exit portion of the keyhole-shaped slot, for intercepting a mounting post moving into the enlarged-diameter entry and exit portion and bending the body to cause the body to move away from the load-carrying slide so that the mounting post can pass from the enlarged-diameter entry and exit portion of the keyhole-shaped slot into the narrow-width post-retainer portion of the keyhole-shaped slot and the retention aperture formed in the body whereupon the actuator moves toward the load-carrying slide under a

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restoring force applied by the body to block removal of the mounting post from narrow-width post-retainer portion and the retention aperture.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 3, 6, 8-10, 13, 15-17, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubon et al in view of USP 6,796,625 to Lauchner et al.

Dubon et al discloses all the elements as discussed above except for the arm further including a lift tab coupled to the actuator and arranged to extend at an angle relative to the base in a direction toward the intermediate slide upon movement of the load-carrying and intermediate slides to a retracted position within the stationary slide, wherein the base is welded to the vertical extending wall.

Lauchner et al teaches an alternate latching structure for a drawer slide assembly comprising a latch retainer/arm having a base and a body with a lift tab

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arranged at an end of the latch retainer base to extend at an angle relative to the base in order to provide easy coupling and uncoupling of the members of the drawer slide assembly. Therefore, it would have been obvious to modify the structure of Dubon et al by providing the arm with a lift tab coupled to the actuator and arranged to extend at an angle relative to the base in a direction toward the intermediate slide upon movement of the load-carrying and intermediate slides to a retracted position within the stationary slide, wherein the base is welded to the vertical extending wall in order to provide easy coupling and uncoupling of the members of the drawer slide assembly, as taught by Lauchner et al, since both teach alternate conventional drawer slide structure, used for the same intended purpose, thereby providing structure as claimed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dubon et al 2005/0206284, Cheng, Hutchins, Good et al, Lazar et al, Klakovich, and Hoffman all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

October 1, 2005


Hanh V. Tran
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